Planning and Zoning Board



Meeting Minates

Held in the City of Mesa Council Chambers – Upper Level Date: May 17, 2017 Time: 4:00 p.m.

MEMBERS PRESENT:

Chair Michael Clement
Vice Chair Michelle Dahlke
Steve Ikeda
Dane Astle
Jessica Sarkissian
Tim Boyle
Jennifer Duff

MEMBERS ABSENT:

None

STAFF PRESENT:

John Wesley
Tom Ellsworth
Lesley Davis
Wahid Alam
Kim Steadman
Charlotte McDermott
Rebecca Gorton

OTHERS PRESENT:

Bob Miklos
Mike Lolli
Jeff Crockett
Richard Adams
Katy Gazda
Brian Campbell
Telela Taumanu
Mike Wilson
Ben Graff
Peter Swingle
W. Dea Montague

Other citizens who did not sign in

Call Meeting to Order.

Chair Clement declared a quorum present and the meeting was called to order at 4:00 p.m.

1. Take action on all consent agenda items.

Items on the Consent Agenda

2. <u>Approval of minutes:</u> Consider the minutes from the April 18, and April 19, 2016 study sessions and regular hearing.

*2-a It was moved by Boardmember Astle to continue the approval of minutes to the June 21, 2017 meeting. The motion was seconded by Vice Chair Dahlke.

Vote: 7-0

Zoning Cases: Z17-015, Z17-016, Z17-019, Z17-014, Z17-018 and Z17-020;

Preliminary Plat: "DU 5/6"

*3-a Z17-015 District 2. The 400 block of South Higley Road (east side). Located on the east side of Higley Road south of Broadway Road (2.5 ± acres). Site Plan Review. This request will allow for development of a self-storage facility. Philip Gollon, ARC Services, Inc., applicant; Nathan Palmer, Intelliguard Self Storage, LLC, owner. (PLN2017-00109).

<u>Planner:</u> Kim Steadman <u>Staff Recommendation:</u> Continuance to June 21, 2017

Summary: This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Astle and seconded by Vice Chair Dahlke to continue case Z17-015 to the June 21, 2017 meeting.

Vote: 7-0

*3-b Z17-016 District 3. 1343 South Gilbert Road (east side). Located on the east side of Gilbert Road north of Hampton Avenue (1.23 ± acres). Site Plan Modification. This request will allow for development of a restaurant with a drive-thru. Cody Bowman, ID Studio 4, applicant; Amin Dhanani, owner. (PLN2017-00113).

Planner: Wahid Alam

Staff Recommendation: Approval with conditions

Summary: This case was on the consent agenda and therefore was not discussed on

an individual basis.

It was moved by Boardmember Astle and seconded by Vice Chair Dahlke to approve case Z17-016 with conditions:

That: The Board recommends the approval of case Z17-016 conditioned upon:

- 1. Compliance with the basic development as described in the project narrative, and as shown on the site plan submitted, except as modified by the conditions below (without guarantee of lot yield, building count, lot coverage).
- 2. Compliance with all conditions of Design Review (DR17-023) approval for architectural and landscaping design.
- 3. Compliance with all City development codes and regulations.
- 4. Signs (detached and attached) need separate approval and permit for locations, size, and quantity.
- 5. Modifying the proposed site plan and elevations for acceptance by the Planning Director to include the following items:
- a) Provide an alternative paving material for crosswalks such as stamped or decorative concrete, pavers or similar finish (striping on asphalt is not acceptable).
- b) Reduce parking spaces by installing minimum 8' wide parking islands every 8 spaces, widening the existing parking lot islands per Zoning Code Section 11-33-4B, and widening the landscape islands on each side of the entry.
- c) Provide minimum 15' wide landscape yard along south property line.
- d) Provide parking lot screening along Gilbert Road.
- e) Design screen walls and trash enclosure compatible with building architecture in material, color and texture.
- f) Provide plant materials in the landscape area along the south side of the drive thru lane.
- g) Provide plant material within the foundation base per Zoning Code Section 11-33-5B.

Vote: 7-0

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*3-c Z17-019 District 6. The 10000 to 10800 block of East Point Twenty-Two Boulevard (north side) and the 9600 to 10400 block of East Elliot Road (south side). Located between Point Twenty-Two Boulevard and Elliot Road and between the Eastmark Parkway alignment and Signal Butte Road. (738± acres). Development Unit Plan. This request will approve Development Unit Plan 5/6 within the Eastmark Community Plan. Jill Hegardt, DMB, Inc., applicant; DMB Mesa Proving Grounds, owner. (PLN2017-00083). (Companion Case to Preliminary Plat "DU 5/6s") (Associated with Item 5-a.)

<u>Planner:</u> Tom Ellsworth
<u>Staff Recommendation:</u> Approve with conditions

Summary: This case was on the consent agenda and therefore was not discussed on

an individual basis.

It was moved by Boardmember Astle and seconded by Vice Chair Dahlke to approve case Z17-019 with conditions:

That: The Board recommends the approval of the case Z17-019 conditioned upon:

- 1. Compliance with the basic development as described in the Development Unit Plan submitted.
- 2. Compliance with:
 - a. The approved Eastmark Community Plan and the approved amendments to the Community Plan
 - b. All applicable City development codes and regulations (Engineering, Transportation, Solid Waste and Facilities, etc.) as approved by the City Engineer and Transportation Engineer.
 - c. All Community Plan Utility and Transportation Master Plans as approved by the City Engineer and Transportation Engineer.
 - d. All Development Unit Utility and Transportation Master Plans as approved by the City Engineer and Transportation Engineer.
- 3. Compliance with all requirements of the Development Services Division.
- 4. Correction by the Planning Director to grammatical, formatting, and other errors that do not affect or change the meaning of the substantive requirements or standards of the Development Unit Plan is authorized and directed with this approval.

Vote: 7-0

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Discuss and make a recommendation to the City Council on the following zoning cases:

*4-a Z16-023 District 5. The 2400 to 2600 blocks of North Greenfield Road (west side). Located south of McDowell Road on the west side of Greenfield Road (69.34± acres). Rezone from PEP-PAD (formerly DMP) and PS-PAD to PEP-PAD (63.59± acres) and PS-PAD (5.75± acres) (removing conditions of approval) and modifying the development master plan (project narrative) for zoning case Z08-022. This request will allow development of a business park. William Jabjiniak, City of Mesa, applicant; City of Mesa, owner. (PLN2016-00217). Continued from April 18, 2017

<u>Staff Planner:</u> Tom Ellsworth <u>Staff Recommendation:</u>

Summary: Principal Planner, Tom Ellsworth, presented case Z16-023 to the Board.

Mike Lolli, 1050 W. Birchwood Avenue, CEO of Hour Precision spoke in support of the project. Mr. Lolli stated in the next few years the company will be looking for a new facility as they expand and feels this area would meet their business needs.

Resident Jeff Crockett, 3259 E. Jacaranda Circle, spoke in favor of the the project. Mr.Crockett is a Mesa Representative on the Greater Phoenix Economic Council and feels this project would provide employment opportunity in the area.

Richard Adams, 1536 E. Elmwood, spoke in favor of the project. Mr. Adams serves as a member of the Board of Directors for the Great Phoenix Economic Council. He feels this project is what the Falcon Field Economic Activity Plan called for by creating employment.

Katy Gazda, 4024 E. Diamond Circle, teaches Biotechnology at Red Mountain High School and is in favor of the project. Ms. Gazda feels this development is an opportunity for the students to receive field experience and internships within the City.

Brian Campbell, 4309 N. Deserts Gate, spoke in favor of the project. Mr. Campbell stated he serves on the Great Phoenix Economic Council and feels the project will provide the City of Mesa to be competetive in the high tech innovations with other cities.

Telela Taumanu, 1063 S. Sawyer is a Junior at Red Mountain High School and is in favor of the project. Ms. Taumanu hopes to return to Mesa after college and have a career in the BioScience field and an institution such as this would be a wonderful opportunity.

Mike Wilson, 8120 E. Catcus Road, #300, Scottsdale, spoke in support of the project. Mr. Wilson feels this type of development would enhance the local economy.

Boardmember Boyle stated the citrus trees in the surrounding area are in poor condition.

It was moved by Vice Chair Dahlke and seconded by Boardmember Astle to approve case Z16-023 with conditions:

That: The Board recommends the following conditions of approval that shall replace those of ordinance no. 4839 for case Z16-023:

- 1. Compliance with the basic development as described in the project narrative and design guidelines, except as modified below.
- 2. Administrative Site Plan Review and review through the Design Review process for each individual development.
- 3. Compliance with all City development codes and regulations, as applicable.
- 4. Written notice be provided to future tenants that the project is within 1 mile of Falcon Field Airport.
- 5. Modification of the Design Guidelines to include line of sight drawings from the residential properties on the west side of the RWCD Canal establishing a maximum height for buildings as no more than 10' of building height visible above the trees, up to the maximum 120' provided for in the design guidelines.
- 6. Due to the proximity to Falcon Field Airport, any proposed structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77.9, (form 7460), to determine any effect to navigable airspace, air navigation facilities. Building plans must adjust to eliminate any adverse impacts. A completed form with response by the FAA must accompany building permit application for structures on this property.

Vote: 7-0

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*4-b Z17-014 District 5. The 8700 to 9000 blocks of East Main Street (south side). Located south of Main Street and west of Ellsworth Road (36.58± acres). Rezone from Maricopa County C-3 and RU-43 to City of Mesa GC and RS-43. This request will establish City zoning on recently annexed property. City of Mesa, applicant; Rodger Overson, owner. (PLN2017-00124). Continued from April 19, 2017

<u>Planner:</u> Kim Steadman
<u>Staff Recommendation:</u> Approval with conditions

Summary: This case was on the consent agenda and therefore was not discussed on

an individual basis.

It was moved by Boardmember Astle and seconded by Vice Chair Dahlke to approve case Z17-014 with conditions:

That: The Board recommends the approval of the case Z17-014 conditioned upon:

- 1. Compliance with the General Plan, Zoning Ordinance and all applicable City development codes and regulations.
- 2. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, at the time of a land split, or at the time of the City's request for dedication, whichever comes first.

Vote: 7-0

*4-c Z17-017 District 5. The 1100 block of North Ellsworth Road (west side). Located on the west side of Ellsworth Road south of Brown Road (4.84 ± acres). Rezone from RS-43 to LC-BIZ and Site Plan Review. This request will allow a self-storage facility. Adam Baugh, Withey Morris, PLC, applicant; Magic Gifts, LLC, owner. (PLN2017-00121).

<u>Planner:</u> Wahid Alam <u>Staff Recommendation:</u>

Summary:

Staffmember Wahid Alam presented case Z17-017 to the Board. Mr. Alam detailed the challenges presented by the location and shape of the parcel.

Applicant Adam Baugh, 2525 E Arizona Biltmore, stated the shape of the site is a triangle with limited access due to a median along the Ellsworth Rd frontage making it difficult to develop. He understood the importance of working with the community and met with the adjacent HOA to discuss what is important to them. Mr. Baugh stated things that they identified as important were lighting, current drainage problems and building heights. Mr. Baugh stated that these concerns were addressed by maintaining heights on the southern edge of the site that were similar to single family residence heights. Another concern expressed by neighboring property owners was to maintain the views of the mountians in the area. Mr. Baugh explained that this issue was addressed by planting saguaro cactus in lieu of trees with large canopies along the canal.

Bob Miklos, 1054 N. 91st Place, spoke in opposition of the self-storage facility. Mr. Miklos stated his concerns are the density, drainage and proposed building height. He lives 30 feet from the development and has mountain views. This proposal will block these views. When he purchased his home, the property was zoned for single family homes. Mr. Miklos is proposing a smaller development and that the water runoff stay on the property.

Mr. Baugh responded to the concerns that Mr. Miklos presented. Mr. Baugh showed an exhibit of the view corridor which shows the line of site does not disrupt the view. He stated they have been responsive to the neighborhood concerns by lowering building heights and internalizing the drainage.

Boardmember Sarkissian confirmed the top of the parapet to be 19'4" and Mr. Baugh replied the parapet will be 21'. There are 2 separate buildings because they wanted to respect the desert uplands area by breaking up the footprint of the buildings on the site.

Boardmember Ikeda stated he is familiar with this property and when the flood control canal came through it changed the footprint of the area. He feels there has been a lot of work done with this project and this is a good development for this property.

It was moved by Boardmember Ikeda and seconded by Boardmember Boyle to approve case Z17-017 with conditions:

That: The Board recommends the approval of the case Z17-017 conditioned upon:

- 1. Compliance with the basic development as described in the project narrative, and as shown on the site plan submitted, except as modified by the conditions below (without guarantee of lot yield, building count, lot coverage).
- 2. Compliance with all requirements of Design Review approval case DR17-024.
- 3. Compliance with all City development codes and regulations.
- 4. Signs (detached and attached) require separate approval and permit for locations, size, and quantity.
- 5. Prior to submission for building permit review, receive approval to vacate that portion of Ellsworth Road needed to straighten the Right-of-Way line as shown on the site plan, or amend the site plan as needed to show the correct Right-of-Way line and provide a minimum five-foot landscape strip between the Right-of-Way line and the drive aisle.

Vote: 7-0

Note: Audio recordings of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also "live broadcasted" through the City of Mesa's website at www.mesaaz.gov

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*4-d Z17-018 District 4. The 400 block of South Bellview (east side). Located south of Broadway Road and east of Mesa Drive (.5± acres). Rezone from NC to RSL-4.5. This will allow for the development of 3 single residential lots. Applicant; owner (PLN2017-00243).

Planner: Lesley Davis

Staff Recommendation: Approval with conditions

Summary: This case was on the consent agenda and therefore was not

discussed on an individual basis.

It was moved by Boardmember Astle and seconded by Vice Chair Dahlke to approve case Z17-018 with conditions:

That: The Board recommends the approval of the case Z17-018 conditioned upon:

- 1. Compliance with the basic development as described in the project narrative, and as shown on the site plan submitted, (without guarantee of lot yield, building count, lot coverage).
- 2. Compliance with the Residential Development Guidelines as well as the Building Form Standards established in section 11-5-3(E) of the Zoning Ordinance.
- 3. Compliance with all City development codes and regulations.

Vote: 7-0

*4-e Z17-020 District 1. The 2400 to 2800 block of East Thomas Road (north side). Located north of Thomas Road and west of Lindsay Road alignment. (13.3 ± acres). Rezone from Maricopa County RU-43 to City of Mesa RS-43. This request will establish City zoning on recently annexed property. City of Mesa, applicant; City of Mesa, owner. (PLN2017-00162).

Planner: Kim Steadman

Staff Recommendation: Approval with conditions

Summary: This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Astle and seconded by Vice Chair Dahlke to approve case Z17-020 with conditions:

That: The Board recommends the approval of the case Z17-020 conditioned upon:

- 1. Compliance with the General Plan, Zoning Ordinance and all applicable City development codes and regulations.
- 2. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, at the time of a land split, or at the time of the City's request for dedication, whichever comes first.

Vote: 7-0

Discuss and take action on the following preliminary plat:

*5-a "DU 5/6" District 6. The 10000 to 10800 block of East Point Twenty-Two Boulevard (north side) and the 9600 to 10400 block of East Elliot Road (south side). Located between Point Twenty-Two Boulevard and Elliot Road and between the Eastmark Parkway alignment and Signal Butte Road. (738± acres). Preliminary Plat. Jill Hegardt, DMB, Inc., applicant; DMB Mesa Proving Grounds, owner. (Companion Case to Z17-019) (Associated with Item *4-e.) (PLN2015-00450).

<u>Staff Planner:</u> Tom Ellsworth <u>Staff Recommendation:</u>

Summary: This case was on the consent agenda and therefore was not

discussed on an individual basis.

It was moved by Boardmember Astle and seconded by Vice Chair Dahlke to approve The Preliminary Plat for "DU 5/6".

That: The Board recommends the approval of the preliminary plat "DU 5/6" conditioned upon:

- 1. Compliance with the basic development as described in the Development Unit Plan for Development Unit 5/6 South and as shown on the preliminary plat submitted (without guarantee of lot yield).
- 2. Compliance with the approved Community Plan and all applicable City development codes and regulations (Engineering, Transportation, Solid Waste and Facilities, etc.).
- 3. Compliance with all requirements of the Development Services Department.

Vote: 7-0

*6-a Proposed zoning ordinance amendment to Section 11-31-34 regarding medical marijuana facilities, including dispensaries, cultivation facilities, and infusion facilities.

Staff Recommendation: Approval

Summary: This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Astle and seconded by Vice Chair Dahlke to approve the proposed zoning ordinance amendment to Section 11-31-34.

Vote: 7-0

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7-a **Z17-004 District 1.** The 700 block of North Country Club Drive (east side). Located on the east side of Country Club Drive north of University Drive (3.4± acres). Site Plan Review. This request will allow a multi-residential development. Peter Swingle, Athena Studio, LLC, applicant; Country Club 72, LLC, owner. (PLN2016-00932).

Planner: Wahid Alam

Staff Recommendation: Approval with conditions

Summary:

Staffmember Wahid Alam presented case Z17-004 to the Board. Mr. Alam stated the initial design presented by the applicant received opposition by the neighbors and Design Review. After working with staff, the applicant returned with an improved design which was favorably received by the Board and neighbors.

Applicant Ben Graff, Real Estate Attorney at 2200 E. Camelback Road, spoke as the representative of the applicant. Mr. Graff confirmed they received significant opposition with the first design by the neighbors and Design Review Board. He stated the applicant listened to the concerns of the community and Design Review Board and redesigned the site plan and elevations. Some of those changes included increasing landscape, addition of more open space and exceeded the required setbacks and now the design fits with the surrounding Historic District.

Boardmember Boyle inquired how Mr. Graff believes the city communicated with them regarding the need to redesign the project and what does the City need to do to better inform the applicant what we want. Mr. Graff responded the process works as it should. His only suggestion was to give more direct feedback in the presubmittal meeting, however, it would not have prevented the comments they received from the neighbors. Mr. Graff stated they received staff support and prepared them well for each step of the process.

W. Dea Montague, 553 N. Orange spoke in opposition. Mr. Montague stated the public opposition came from the design, the addition of another large apartment complex and the negative impact it will have on the schools. Mr. Montague inquired if there was a need for rezoning and what the purpose of this case coming before the Planning and Zoning Board. It was confirmed the purpose of the applicant coming before this Board is to receive approval of the Site Plan and not rezoning. Current zoning allows for this development.

Chair Clement recapped the purpose of the Board has in deciding on a site plan. Mr. Clement read the criteria of what the Board looks for when deciding the approval of site plan for a project and if it is an appropriate use.

Boardmember Boyle inquired if the General Plan warns against too much transient housing and if it is within their right to decide the amount. Applicant Mr. Graff responded that the General Plan would be reviewed if this were a rezoning and if there were an increase in the use. This particular location is characterized by Traditional Neighborhood which encourages multi-family and in this case, the General Plan encourages the use. Planning Director John Wesley added the General Plan contains a lot of goals and objectives which may sometimes conflict. The primary objective is the character designation and although the impact on schools is important, it is not applicable to this case. Mr. Wesley stated the applicant has the option to increase the amount of units and density, but they kept the number of units allowed by the current zoning well below the maximum allowed. Chair Clement agreed and stated the reduction of units impacts the developer.

Boardmember Boyle stated the trend is to increase density, but this trend does negatively affect the schools. Mr Boyle asked Mr. Graff if they considered the development of a condominium or townhome. He feels there would be density and not the transience of an apartment complex. Applicant Mr. Graff responded the client conducted a market study on the area which proved that condo's were not as marketable as a rental product. Mr. Graff stated they are marketing to young working couples and have few three bedrooms units.

Boardmember Boyle expressed concern that we have a situation where we are overzoned for multi-residential development in west Mesa and, because of Prop 207 it is difficult to change that. Our neighborhoods are stuck with this zoning and our schools are negatively affected because of the zoning.

Planning Director John Wesley explained before Proposition 207, there was a challenge for any city sponsored land use action to be taken. To proactively look at the city and how much multi-family we have, it is not possible. He stated property owners should be able to agree with any changes and with school enrollment decreasing, new development would increase enrollment. Mr. Wesley continued by saying this use is allowed and zoning trumps the General Plan. He stated staff looks at design standards to establish good quality which allows high rent demand in the area.

Boardmember Sarkissian addressed Proposition 207 by clarifying that Prop 207 does not restrict a resident to rezone. She explained the resident is not stuck with their current zoning and if they want to rezone, property owner's are allowed to request rezoning. Ms. Sarkissian reminded the Board this case is not a rezoning, but a site plan. The General Plan is a policy which provides guidelines, zoning is code and looked at differently. Ms. Sarkissian stated the General Plan is updated every ten years.

Boardmember Boyle stated his concern that the increase of multi-family development harms the schools.

Boardmember Ikeda stated he contacted the three schools in the area to inquire about attendance and each school stated they would be able to accommodate the increase of students.

It was moved by Boardmember Sarkissian and seconded by Boardmember Ikeda to approve case Z17-004 with conditions:

That: The Board recommends the approval of the case Z17-004 conditioned upon:

- 1. Compliance with the basic development as described in the project narrative, and as shown on the site plan submitted, except as modified by the conditions below (without guarantee of lot yield, building count, lot coverage).
- 2. Compliance with all City development codes and regulations.
- 3. Compliance with all requirements of Design Review case DR17-008 for architectural and landscaping design.
- 4. Modifying the proposed site plan and elevations for acceptance by the Planning Director to include the following items:
 - a) Provide an eight-foot wide landscape island in east parking area per Section 11-33-4B.
 - b) All retention basins shall be designed per Section 11-33-6 of the Mesa Zoning Code:
 - Retention basin design shall provide consolidated basins. Multiple, small retention areas are not acceptable unless basins are interconnected and designed per City of Mesa Engineering Manual; and.
 - ii. Landscaping shall be provided in all areas of the retention basin including side slopes, the perimeter edge around the basin and along the bottom of the basin.
- 5. Signs (detached and attached) require separate approval and permit for locations, size, and quantity.

Vote: 6-1

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8-a Receive a presentation and discuss the draft update to the City of Mesa Sign Ordinance.

Zoning Administrator Gordon Sheffield presented the Board with an draft update on the City of Mesa Sign Ordinance.

Adjournment

Boardmember Duff made a motion to adjourn the meeting at 5:56 pm. The motion was seconded by Boardmember Ikeda.

Vote: 7-0

Respectfully submitted,

dhn D. Wesley AICP, Secretary

Planning Director